



General Assembly

January Session, 2013

Raised Bill No. 1030

LCO No. 3667



Referred to Committee on INSURANCE AND REAL
ESTATE

Introduced by:
(INS)

***AN ACT CONCERNING SERVICE OF PROCESS ON THE INSURANCE
COMMISSIONER.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 38a-25 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The Insurance Commissioner is the agent for receipt of service of
4 legal process on the following:

5 (1) [Foreign] In accordance with subdivision (2) of subsection (b) of
6 this section, foreign and alien insurance companies authorized to do
7 business in this state in any proceeding arising from or related to any
8 transaction having a connection with this state.

9 (2) Fraternal benefit societies authorized to do business in this state.

10 (3) Insurance-support organizations as defined in section 38a-976,
11 transacting business outside this state which affects a resident of this
12 state.

13 (4) Risk retention groups, as defined in section 38a-250.

14 (5) Purchasing groups designating the Insurance Commissioner as
15 agent for receipt of service of process pursuant to section 38a-261.

16 (6) Eligible surplus lines insurers authorized by the commissioner to
17 accept surplus lines insurance.

18 (7) Except as provided by section 38a-273, unauthorized insurers or
19 other persons assisting unauthorized insurers who directly or
20 indirectly do any of the acts of insurance business as set forth in
21 subsection (a) of section 38a-271.

22 (8) The Connecticut Insurance Guaranty Association and the
23 Connecticut Life and Health Insurance Guaranty Association.

24 (9) Insurance companies designating the Insurance Commissioner
25 as agent for receipt of service of process pursuant to subsection (h) of
26 section 38a-85.

27 (10) Nonresident insurance producers and nonresident surplus lines
28 brokers licensed by the Insurance Commissioner.

29 (11) Life settlement providers and life settlement brokers licensed by
30 the commissioner.

31 (12) Nonresident reinsurance intermediaries designating the
32 commissioner as agent for receipt of service of process pursuant to
33 section 38a-760b.

34 (13) Workers' compensation self-insurance groups, as defined in
35 section 38a-1001.

36 (14) Persons alleged to have violated any provision of section 38a-
37 130.

38 (15) (A) Captive insurers, as defined in section 38a-91k, and (B)
39 captive insurance companies, as defined in section 38a-91aa, if a
40 registered agent cannot be found with reasonable diligence at the
41 registered office of a captive insurance company.

42 (b) (1) Each foreign and alien insurance company authorized to do
 43 business in this state shall appoint a person in this state as agent for
 44 receipt of service of legal process in any proceeding arising from or
 45 related to any transaction having a connection with this state.

46 (2) If (A) such company fails to appoint or maintain an agent
 47 pursuant to subdivision (1) of this subsection, (B) the agent appointed
 48 pursuant to subdivision (1) of this subsection cannot, with reasonable
 49 diligence, be found, or (C) such company's certificate of authority is
 50 revoked, the Insurance Commissioner is the agent for receipt of service
 51 of legal process for such company.

52 [(b)] (c) Each foreign and alien insurer by applying for and receiving
 53 a license to do insurance business in this state, each fraternal benefit
 54 society by applying for and receiving a certificate to solicit members
 55 and do business, each surplus lines insurer declared to be an eligible
 56 surplus lines insurer by the commissioner, each insurance-support
 57 organization transacting business outside this state that affects a
 58 resident of this state, and each unauthorized insurer by doing an act of
 59 insurance business prohibited by section 38a-272, shall be considered
 60 to have irrevocably appointed the Insurance Commissioner as agent
 61 for receipt of service of process in accordance with subsection (a) of
 62 this section. Such appointment shall continue in force so long as any
 63 certificate of membership, policy or liability remains outstanding in
 64 this state.

65 [(c)] (d) The commissioner shall be the agent for the executors,
 66 administrators or personal representatives, receivers, trustees or other
 67 successors in interest of the persons specified under subsection (a) of
 68 this section.

69 [(d)] (e) Any legal process that is served on the commissioner
 70 pursuant to this section shall be of the same legal force and validity as
 71 if served on the principal.

72 [(e)] (f) The right to effect service of process as provided under this

73 section shall not limit the right to serve legal process in any other
74 manner provided by law.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	38a-25
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INS *Joint Favorable*